

TOWN OF SOUTHEAST
1360 Route 22
Brewster, New York 10509
Thursday, June 23, 2016
EXECUTIVE SESSION 6:30 P.M.
WORK SESSION/REGULAR MEETING 7:00 P.M.

Pledge of Allegiance
Notation of Exits
Turn Off/Put on Vibrate – All Electronic Devices

Presentation:

1. Proclamation – Keith Racioppo
2. MTA – Prospect Hill Bridge
3. Putnam County Department of Health – Zika Virus Discussion

Work Session:

1. Barrett Hill

Regular Meeting:

1. Correspondence
2. Approval of Voucher List
3. Setting of Meeting Dates and Public Hearings

All meetings will be held at 1360 Route 22, Brewster, New York
At 7:00 P.M. unless otherwise noted:

Thursday, July 7, 2016

Thursday, July 21, 2016

4. Budget Transfers
5. Resolution – Establishment of Maintenance Bond – Release of Performance Bond – High Meadow Farm
6. Resolution – Establishing Performance Bond – Farm To Market Subdivision, Mainspring Realty, LLC.
7. Resolution – Determination of Initial Rate Tariff – Meadows At Deans Corners Sewage Works, Inc.
8. Resolution – ARB – Fortune Ridge Recreation Center
9. Resolution – Appointment Special Prosecutor

10. Resolution – Waiver of Notice Requirements – Liquor License, R3D Corporation
11. Supervisor’s Financial Report

Recognition of Public/Public Comment
Recognition of Town Board/Town Board Comment

Executive Session:

1. Personnel – Litigation Update

Proclamation

WHEREAS, it is the sense of this Town Board, that the quality of a community is measured by the unique and extraordinary accomplishments of the citizens who donate their time and dedication to the community; and

WHEREAS, *Keith Racioppo* has continually demonstrated his commitment to the betterment of his community through his services with the Town of Southeast Recreation Department for 12 years; and

WHEREAS, *Keith Racioppo* throughout his 12 years with the Recreation Department, has distinguished himself as a leader, starting as the gate keeper at the young age of 14, working his way up to lifeguard, head lifeguard, water safety instructor, CPR/first aid instructor and Assistant Director of Tonetta Lake; and

WHEREAS, *Keith Racioppo* was awarded the Civilian of the Year Award in 2011 by the Putnam County Volunteer Firemans Association for saving the life of a 16 month old child, this was a profound act. He saved many lives in his 12 years with the Recreation Department; and

WHEREAS, *Keith Racioppo* is a graduate of Binghamton University and is moving to California to begin his Master's Degree. It has been an honor and privilege to have Keith represent the Town of Southeast Recreation Department for all these years and he will greatly missed by all, including the residents and their children; and

NOW, THEREFORE, BE IT

RESOLVED, that a copy of this Proclamation be presented to *Keith Racioppo* at the Town Board Meeting to be held on June 23, 2016.


TONY HAY
SUPERVISOR

EDWIN ALVAREZ
ROBERT CULLEN

SOUTHEAST TOWN BOARD

LYNNE ECKARDT
ELIZABETH HUDAK

R # 5

**TOWN BOARD
TOWN OF SOUTHEAST, NEW YORK**

**HIGH MEADOW FARM
RELEASE OF PERFORMANCE BOND
ESTABLISHMENT OF MAINTENANCE BOND**

RESOLUTION NO. _____ / 16

DATE: June 23, 2016

INTRODUCED BY: _____

SECONDED BY: _____

WHEREAS, the Town Board of the Town of Southeast is in receipt of a report and recommendation from the Town Engineer and referral from the Planning Board with respect to the release of Performance Bond and Establishment of Maintenance Bonds for the High Meadow Farm Subdivision located off of Welfare Road; and

WHEREAS, such report recommends the release of the balance of the performance bond held in connection with this project on the condition that appropriate post construction performance bond and maintenance bonds are posted.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk is hereby directed to cancel and return the original performance bond for the High Meadow Farm Subdivision and to return any and all original bonds, deposits, letters of credit or other indicia of security posted in connection with this project on the condition the applicant / owner files a post construction performance guarantee in an amount not less than \$6,500.00 for a period of four (4) years and a maintenance bond in an amount not less than \$3,000 for a period of ten (10) years

UPON ROLL CALL VOTE:

Councilman Alvarez _____
Councilman Cullen _____
Councilwoman Eckardt _____
Councilwoman Hudak _____
Supervisor Hay _____

VOTE: Resolution _____, by a vote of _____, to _____, _____ abstained.

TOWN CLERK'S CERTIFICATION

STATE OF NEW YORK)
 : ss.:
COUNTY OF PUTNAM)

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 23rd day of June, 2016.

MICHAEL STANCATI
Town Clerk

R#6

TOWN BOARD
TOWN OF SOUTHEAST, NY

FARM TO MARKET SUBDIVISION
MAINSRING REALTY, LLC
RESOLUTION ESTABLISHING PERFORMANCE BOND

RESOLUTION NO. _____ / 16

June 23, 2016

INTRODUCED BY: _____

SECONDED BY: _____

WHEREAS, the Town Board is in receipt of a recommendation from the Town Engineer with respect to the establishment of a performance Bond for the Farm to Market Subdivision, located on Farm to Market Road (Tax Map No. 45-2-21 &22); and

WHEREAS, upon review of such recommendation, the Town Board agrees to accept this recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the bond amount shall be established for the project set forth below:

PROJECT NAME:

BOND AMOUNT:

Farm to Market Subdivision
(Mainspring Realty, LLC)

Soil & Erosion: \$ 40,000.00
Site Improvements: \$ 414,000.00

UPON A ROLL CALL VOTE:

Councilman Alvarez _____

Councilman Cullen _____

Councilwoman Eckardt _____

Councilwoman Hudak _____

Supervisor Hay _____

VOTE: Resolution _____, by a vote of _____, to _____, _____ abstained.

TOWN CLERK'S CERTIFICATION

STATE OF NEW YORK)
 : ss.:
COUNTY OF PUTNAM)

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 23rd day of June, 2016.

MICHELE STANCATI
Town Clerk

R #7

**TOWN BOARD
TOWN OF SOUTHEAST, NEW YORK**

**MEADOWS AT DEANS CORNERS SEWAGE WORKS, INC.
DETERMINATION OF INITIAL RATE TARIFF**

RESOLUTION NO. _____ / 2016

DATE: June 23, 2016

INTRODUCED BY: _____

SECONDED BY: _____

WHEREAS, Meadows at Deans Corners Sewage Works, Inc. (the "Company") is a Transportation Corporation duly organized, existing and operating pursuant to the laws of the State of New York and providing sewer collection and treatment services to single family residential development with recreational amenities known as Fortune Ridge within the Town of Southeast; and

WHEREAS, the Town Board of the Town of Southeast is empowered to establish, review and revise rates to be paid by sewer users within the Fortune Ridge Development pursuant to the Transportation Corporation Law of the State of New York; and

WHEREAS, an initial rate application having been submitted by Richard L. O'Rourke, Esq., attorney for the Company, seeking to establish initial rates and after due deliberation thereon, it is the Town Board intention to memorialize its decision.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby establishes the annual revenue permitted to Meadows at Deans Corners Sewage Works, Inc. at \$236,505 and the rates charged to individual Rate Payers shall be calculated as set forth in Schedule A annexed hereto and made a part hereof; and be it further

RESOLVED, that such rates shall take effect August 1, 2016.

Upon Roll Call Vote:

Councilman Alvarez	_____
Councilman Cullen	_____
Councilwoman Eckardt	_____
Councilwoman Hudak	_____
Supervisor Hay	_____

VOTE: carried / defeated by a vote of _____ in favor, _____ against; _____ abstained.

TOWN CLERK'S CERTIFICATION

STATE OF NEW YORK)
 : ss.:
COUNTY OF PUTNAM)

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 23rd day of June, 2016.

MICHELE STANCATI
Town Clerk

**TOWN BOARD
TOWN OF SOUTHEAST**

R # 8

**FORTUNE RIDGE RECREATION CENTER
ARCHITECTURAL REVIEW BOARD**

RESOLUTION NO. _____ / 2016

DATE: June 23, 2016

INTRODUCED BY: _____

SECONDED BY: _____

WHEREAS, the Town Board is in receipt of a Report of the Architectural Review Board of the Town Southeast dated April 27, 2016 in connection with the application of Fortune Ridge Homes to construct a Recreation Center on property located 126 Dean's Corners Road, Tax ID 67.-1-61, in the Town of Southeast, Putnam County, New York; and

WHEREAS, the Report concludes that the ARB voted to positively recommend this application to the Town Board; and

WHEREAS, the Town Board finds that there is no reason to upset the findings and recommendations of the Architectural Review Board in connection with said application,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts and approves the Report of the Architectural Review Board dated April 27, 2016, a copy of which is annexed hereto and made part hereof, in connection with the Fortune Ridge Recreation Center and that such Report shall be incorporated in any final Site Plan subsequently reviewed by the Planning Board

UPON ROLL CALL VOTE:

Councilman Alvarez _____
Councilman Cullen _____
Councilwoman Eckardt _____
Councilwoman Hudak _____
Supervisor Hay _____

VOTE: Resolution _____, by a vote of _____, to _____, _____ abstained.

R#9

TOWN BOARD
TOWN OF SOUTHEAST, NEW YORK

APPOINTMENT OF SPECIAL PROSECUTOR

RESOLUTION NO. _____ / 2016

DATE: February 18, 2016

INTRODUCED BY: _____

SECONDED BY: _____

WHEREAS, the Town of Southeast provides local prosecutor services in connection with Penal Law Violation alleged to have occurred within the Town of Southeast; and

WHEREAS, it has come to the Board's attention that there is a charge pending on the complaint of Hannah Heinecke residing at 7 Shady Lane alleging the Penal Law Violation of Harassment against a neighboring property owner, Kimberley Santucci, residing at 5 Shady Lane; and

WHEREAS, the Town Attorney is generally authorized to prosecute penal law violations in local Criminal Court, the Town Attorney has previously recused himself from matters involving disputes within the Shady Lane neighborhood due to the Town Attorney's past representation of parties adverse to the defendant in the instant proceeding, thereby requiring a special prosecutor to be appointed herein.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby appoints John R. McCarron, Jr., Esq, having an office at 37 Fair Street, Suite 2, Carmel, NY 10512 as Special Counsel / Town Prosecutor in connection with the matter *People v. Kimberley Santucci* alleging a violation of Penal Law Section 240.26, Harassment, Second Degree, and authorizes such Special Prosecutor to fully investigate such alleged violation; and to commence, recommence or continue such criminal proceedings as might be necessary to secure the full, fair and equal enforcement of the laws in connection therewith; and be it further

RESOLVED, that said Special Town Counsel / Prosecutor shall be compensated at the rate of \$185/00 per hour for attorney time, and shall be reimbursed for all necessary disbursements made on behalf of the Town.

Councilman Alvarez _____
Councilman Cullen _____
Councilwoman Eckardt _____
Councilwoman Hudak _____
Supervisor Hay _____

VOTE: carried / defeated by a vote of _____ in favor, _____ against; _____ abstained.

TOWN CLERK'S CERTIFICATION

STATE OF NEW YORK)

: ss.:

COUNTY OF PUTNAM)

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 23rd day of June, 2016.

MICHELE STANCATI
Town Clerk

TOWN BOARD
TOWN OF SOUTHEAST

R#10

R3D CORP.
LIQUOR LICENSE
WAIVER OF NOTICE REQUIRMENTS

RESOLUTION NO. _____ / 2016

DATE: June 23, 2016

INTRODUCED BY: _____

SECONDED BY: _____

WHEREAS, the Town has been notified that R3D CORP., owner/applicant of a bar/tavern to be located at 300 Route 22, and doing business under the name "Our House" (the "Licensee") has applied to the New York State Liquor Authority for an On Premises Liquor License; and

WHEREAS, the rules of the New York State Liquor Authority ("SLA") require that an Application Notice Form be sent to the Town at least thirty (30) days prior to filing for the license; and

WHEREAS, it has been found and determined that there are no known violations or complaints pending against the proposed licensee or the prior licensee at the proposed location and it is the desire of this Town Board to facilitate the issuance of an on-premises liquor license to the Licensee.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby WAIVES any and all rights it might have to substantive and procedural compliance with Section 64 of the Alcoholic Beverage Control Law regarding notice to the municipality in connection with the initial issuance of an on-premises liquor license for R3D CORP., owner/applicant of a bar/tavern to be located at 300 Route 22, and doing business under the name "Our House" in the Town of Southeast, by the NY State Liquor Authority; and be it further

RESOLVED, that the Town Clerk be and she hereby is authorized and directed to forward a certified copy of this resolution to the New York State Liquor Authority, 80 So. Swan Street, Suite 900, Albany, NY 12210-8002 forthwith.

UPON ROLL CALL VOTE:

- Councilman Alvarez _____
- Councilman Cullen _____
- Councilwoman Eckardt _____
- Councilwoman Hudak _____
- Supervisor Hay _____

VOTE: Resolution _____, by a vote of _____, to _____, _____ abstained.

